IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.4691 OF 2004

Between:

Kurakula Kula Yuvajana Seva Sangham
Rep. by its President and another.

.... PETITIONERS

AND

The State of Andhra Pradesh,
rep. by its Principal Secretary
to the Government, (Social Welfare
Department), Secretariat,
Hyderabad.

....RESPONDENT

THE HON'BLE SRI JUSTICE
C.Y.SOMAYAJULU

WRIT PETITION NO.4691 OF 2004

O R D E R

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This petition is filed seeking for a direction to the first respondent to notify 'Kurakula' community as one of the Backward Classes in B.C.(A) group in the State of Andhra Pradesh.

2. The contention of the learned counsel for the petitioners is that since the Mandal Commission and Muralidhar Rao Commission recommended 'Kurakula' caste being included in B.C.(A) Group in the State of Andhra Pradesh, and as the Government is not acting on the several representations made by the petitioners to act on the Mandal Commission and Muralidhar Rao Commission report and is not taking any steps to notify the 'Kurakula' community as a backward class community, appropriate direction may be given to the respondent to consider the representation and notify 'Kurakula' community as backward class in the State of Andhra Pradesh.

3. The contention of the learned Government Pleader is that an Associations called Vizianagaram and Srikakulam Districts Kurakula Union, Uttarandhra Kurakula Ikya Karyacharana Samithi and several individuals made representations before the Backward Class Commission for inclusion of Kurakula caste in the list of B.Cs and the same is pending before the Commission along with 109 claims and when the Backward Class Commission issued a notification to

examine the claims of certain castes for inclusion in the list of B.Cs. on priority basis, A.P. Telaga, Kapu, Balija, Ontari Sangham filed W.P.No.19815 of 1996 seeking an interim direction not to proceed on priority basis without examining the claims of all the Castes/Classes of persons specified in the said public notice, the Backward Class Commission filed a memo stating that it will deal with all the claims together and not in a piecemeal manner and basing on the assurance given by the Backward Class Commission as well as at the request of Advocate General, the writ petition was dismissed as infructuous on 01.02.2000 and as the Backward Class Commission is re-constituted to consider the claims of all the persons, who claim inclusion of their caste in the Backward Class Community List till the Commission submits a report, the respondent cannot take up the case of the petitioners.

4. Admittedly the Backward Class Commission, which is re-constituted, is functioning now. In view of the fact that the Commission filed a memo in W.P.No.19815 of 1996 that it would deal with all the claims together and not in a piecemeal, and inasmuch as the respondent cannot proceed further without any recommendation from the B.C. Commission, the petitioner should await submission of the report of the B.C. Commission to the Government, and so, no relief can be granted to the petitioners in this petition.

5. With the above observation, the writ petition is disposed of. No costs.

JUSTICE C.Y.SOMAYAJULU

4th OCTOBER, 2007

THE HONOURABLE SRI JUSTICE C.Y.SOMAYAJULU

W.P.NO.4691 OF 2004

4th OCTOBER, 2007